

**TELECOMMUNICATIONS AND TECHNOLOGY
COMMISSION, IOWA[751]**

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code section 8D.3(3)“b,” the Iowa Telecommunications and Technology Commission amends Chapter 2, “Public Records and Fair Information Practices,” Iowa Administrative Code.

Chapter 2 establishes commission policies and procedures for the maintenance of records. These amendments add an exception for the availability of certain records related to security procedures or emergency preparedness consistent with Iowa Code section 22.7(50).

Notice of Intended Action was published in the Iowa Administrative Bulletin on February 3, 2016, as **ARC 2381C**. No public comment was received on these amendments. These amendments are identical to those published under Notice of Intended Action.

These amendments were approved for publication under Notice of Intended Action at the Commission’s meeting on December 16, 2015. These amendments were adopted by the Commission at its March 24, 2016, meeting.

Pursuant to Iowa Code section 17A.5(2)“b”(1)(a) and (b), the Commission finds that the normal effective date of these amendments should be waived and that these amendments should be made effective on March 25, 2016, as they confer a benefit upon ICN users of the network by protecting identified sensitive information that specifically relates to the method or methods by which the Commission intends to protect the ICN users from malicious cyber attacks; and also finds that an earlier effective date is necessary to enable the Commission to protect the identified sensitive information as soon as practicable to prevent potentially imminent peril and threats to ICN users by preventing malicious actors from discovering the method or methods by which the Commission may respond to their malicious activities, enabling such actors to develop an alternative form of attack.

After analysis and review of this rule making, no fiscal impact statement is required pursuant to Iowa Code section 17A.4(4).

This rule is not subject to waiver or variance.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 8D.3(3)“b” and 22.7(50).

These amendments became effective March 25, 2016.

The following amendments are adopted.

ITEM 1. Reletter paragraph **2.13(2)“l”** as **2.13(2)“m.”**

ITEM 2. Adopt the following **new** paragraph **2.13(2)“l”**:

l. Records concerning security procedures or emergency preparedness developed and maintained by the commission or other federal or state agency for the protection of governmental employees, visitors to the agency, persons in the care, custody, or under the control of the agency, or property under the jurisdiction of the agency, if disclosure could reasonably be expected to jeopardize such employees, visitors, or property. Pursuant to Iowa Code section 22.7(50), specific records or classes of records to which this protection also applies may include specific information related to the physical network, contract- and vendor-related records and information associated with security and emergency preparedness, and similar or related records and information.

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 4/13/16.